

## CHAP. 99.

Penalty for defacing them.

25. AND BE IT ENACTED, That if any person shall wilfully break, deface, pull up or prostrate, any mile-stone which shall be placed in pursuance of this act on the sides of the said road, or shall obliterate the letters or figures thereon, or shall wilfully break, pull down, deface or destroy, any direction post which shall be erected in pursuance of this act, at intersections of any road as aforesaid, or the board or index hand thereto, in conformity with the directions of this act, or shall obliterate the letters or figures inscribed thereon, or destroy, deface or obliterate, the letters, figures, or other characters, marked at any turnpike gate which shall be erected in pursuance of this act, for all or any of the purposes aforesaid, or the whole or any part of any printed list of rules of tolls which shall be fixed in pursuance of the direction of this act at any such gate or turnpike, he, she or they, so offending in the premises, shall and each of them shall, for every such offence, severally and respectively forfeit and pay to the said president and company a sum not exceeding twenty dollars, to be recovered as other debts of the same amount, before any justice of the peace of the county where such offence may be committed.

Penalty for evading payment of toll.

26. AND BE IT ENACTED, That if any person or persons whatsoever, riding in, or driving, any sulky, chaise, chair, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of pleasure or burthen, riding or leading any horse, mare, gelding, or driving any hogs, sheep or cattle, shall therewith pass through any private passage way, or other ground near to or adjoining any turnpike gate which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare, or other cattle, from any wagon or carriage of burthen or pleasure, or practice any other fraudulent means or device, with intent that the payment of any such tolls or duties may be evaded or lessened, all and every of the ways or means aforesaid offending, shall for every such offence respectively forfeit and pay to the said president, managers and company, of the said road, on which said fraud shall or may be practised, any sum not exceeding ten dollars, to be recovered before a justice of the peace of the county where such offence may be committed, together with costs of suit; *Provided always*, that if any person or persons shall or may be prosecuted under this section, and the prosecution shall not be sustained on the part of the prosecutor, in such case the person or persons prosecuted as aforesaid shall be entitled to recover from the president, managers and company, the sum of twenty dollars, to be recovered as aforesaid, in lieu of the damages from delay and vexatious prosecution; and if any toll-gatherer shall knowingly demand, take or receive, any greater toll from any person or persons than such toll-gatherer is entitled and authorised to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the county in which said forfeiture is incurred, and for the payment of which the said company shall be responsible.

Proviso.

Drivers to keep the right hand side.

27. AND BE IT ENACTED, That all wagons, and drivers of carriages of all kind of burthen or pleasure, using the said road, except when passing carriages of slower draught, shall keep their wa-